

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ENVIGO RMS, LLC,

Defendant.

Case No. 6:22-CV-00028-NKM

MOTION FOR CLARIFICATION

The United States respectfully files this motion for clarification. On May 21, 2022, this Court issued an Order granting the United States' Ex Parte Motion for Temporary Restraining Order. ECF No. 3. The Court's Order mentions 7 U.S.C. § 2159. *Id.* at 17-19. That provision of the Animal Welfare Act contemplates a statutorily-authorized injunction in district court to accompany an administrative action filed by the Secretary of Agriculture under 7 U.S.C. § 2149. *See* 7 U.S.C. § 2159(b) ("Such injunction or order shall remain in effect until a complaint pursuant to section 2149 of this title is issued and dismissed by the Secretary or until an order to cease and desist made thereon by the Secretary has become final and effective or is set aside on appellate review."). The Secretary has filed no such administrative action. And the United States moved for injunctive relief "pursuant to 7 U.S.C. § 2146(c) and/or the Court's inherent equitable authority under Federal Rule of Civil Procedure 65(b)(1)." *See* ECF No. 2 at 2. The Court's Order engaged in the analysis to issue an injunction under these provisions, hence, the United States assumes that the Court's Order is issued "pursuant to 7 U.S.C. § 2146(c) and/or the Court's inherent equitable authority under Federal Rule of Civil Procedure 65(b)(1)." *See* 7 U.S.C. § 2146(c) ("The United States district courts . . . are vested with jurisdiction specifically

to enforce, and to prevent and restrain violations of this chapter, and shall have jurisdiction in all other kinds of cases arising under this chapter” except as provided in one provision not applicable in this case). Out of an abundance of caution, the United States moves for clarification.¹

Respectfully Submitted,

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¹ The United States has served Envigo RMS with the Court’s Order and has alerted Defendant’s counsel to this motion for clarification. Undersigned counsel shall serve Defendant with this motion upon filing.

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. The foregoing will also be served on Defendant Envigo RMS.

DATE: May 21, 2022

/s/ Mary Hollingsworth
MARY HOLLINGSWORTH